## REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

## PENDING CLAIMS

Claims 1, 2 and 5-7 were pending, under consideration and subjected to examination in the Office Action. At entry of this paper, Claims 1, 2 and 5-7 will be pending for further consideration and examination in the application.

## PROV. DBL. PAT. REJECTIONS. – TRAVERSED/NOT SUPPORTED

The non-statutory double patenting rejections regarding the 10/192,696, 10/192,717 and 10/192,652 applications are respectfully traversed because such rejection does not provide sufficient factual analysis required for such rejections under U.S. patent law, i.e., the Examiner has not satisfied his/her initial burden to adequately support the rejection. More particularly, MPEP 804 providing double-patenting rejection guidance for examining states that

> "Since the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 USC 103(a) rejection, the factual inquiries set forth in Graham v. John Deere Co., 383 US 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 USC 103 are employed when making an obviousness-type double patenting analysis. These factual inquiries are summarized as follows:
>
> (A) Determine the scope and content of a patent claim and the prior art relative to a claim in the application at issue;
>
> (B) Determine the differences between the scope and content of the patent claim and the prior art as determined in (A) and the claim in the application at issue;
>
> (C) Determine the level of ordinary skill in the pertinent art; and
>
> (D) Evaluate any objective indicia of non-obviousness.
>
> . . .

> Any obviousness-type double patenting rejection should make clear:
> (A) The differences between the invention defined by the conflicting claims - a claim in the patent compared to a claim in the application; and
> (B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent."

The rejection comments provides only very generalized comments regarding the claims, and addresses only minimal (generalized) details of the claims, and does not sufficiently make clear the differences, or the reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent. That is, it is noted that the Office Action's generalized comments for all three double-patenting rejections appear to be cut-and-paste copies of each other, with only minimal (if any) variations from one another, ...such is evidence that the double-patenting rejections are insufficiently supported. Accordingly, Applicant respectfully submits that the above analysis should be provided in order for the Examiner to satisfy his/her initial burden to support the rejection, or the rejection should be withdrawn.

**PROV. DBL. PAT. REJECTIONS – TRAVERSED/PROVISIONAL**

It is respectfully noted that any present double-patenting rejection(s) regarding the 10/192,696, 10/192,717 and 10/192,652 applications are only a "provisional" double-patenting rejection. As a result, Applicant respectfully submits a traversal, but refrains from commenting further on a substance of the rejection at this time (other than the traversal below), until an actual double-patenting rejection is made.

**If a situation arises where the only remaining issue** blocking allowance is the double-patenting rejection(s), the Examiner is herein requested to telephone the Undersigned at the local Washington, D.C. area telephone number of 703-312-6600, for the possible immediate preparation/filing of a terminal disclaimer to move the application to allowance.

**ALL REJECTIONS UNDER 35 USC '102 AND '103 - TRAVERSED**

All 35 USC rejections (i.e., the 35 USC '102 rejection of claim 7 as being anticipated by Miike et al. (U.S. Patent 5,787,814); and, the 35 USC '103 rejection of claims 1, 2, 5 and 6 as being unpatentable over Miike et al. (U.S. Patent 5,787,414) in view of Gagne et al. (U.S. Patent Pub 2002/0023103)) are respectfully traversed.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

According to the present invention, a first recording time and a last recording time for a still picture group are recorded as the still picture group management information in a storage medium. The first recording time is a time when one still picture data among a plurality of still picture data belonging to one still picture group was first recorded. And the last recording time is a time when one still picture data among a plurality of still picture data belonging to the one still picture group was recorded last. For example, assuming that a certain still picture group includes five

still picture data (the first to fifth still picture data) recorded in the medium, the fist recording time is a recording time of the first still picture data and the last recording time is a recording time of the fifth still picture data in such still picture group. That is, the first and the last recording times are recorded for each still picture group. The step of selectively playing back the still picture data (VOB) playing back a desired still picture data from the medium based on the first and last recording time for each still picture group. The data retrieving is made by still picture group basis.

The cited Miike et al reference teaches to record the start time and end time of editing of an independent document (not a group of documents). Miike et al does not teach the first recording time when one still picture data among a plurality of still picture data belonging to one still picture group, and the last recording time when one still picture data among a plurality of still picture data belonging to the one still picture group was recorded last. Miike et al does not teach that the first and the last recording times of are recorded for each still picture group. Further, Miike et al does not suggest a group of document basis concept. Still further, Miike et al. does not disclose the step of selectively playing back the still picture data (VOB) by still picture group basis. The secondary-cited Gagne reference also does not teach that the still picture group management information includes the first recording time and the last recording time for a still picture group.

In addition to the above comments from Applicant's foreign patent representative, the following additional comments are respectfully submitted by the Undersigned. More particularly, the Miike et al. portions pointed to by the Examiner within the Office Action have been carefully reviewed, and appear not to support the 102 anticipatory-type rejection of Applicant's claims. That is, Applicant's claims

(e.g., using independent claim 1 as an example) recite: "**wherein said still picture group management information includes a first recording time at which the still picture data in said still picture group was recorded first and a last recording time at which the still picture data in said still picture group was recorded last**, said method comprising the steps of: comparing a recording time of said still picture data with said first recording time stored in said still picture group management information corresponding to the still picture group belonging to said still picture data; and if said recording time is earlier than said first recording time, replacing the content of said first recording time by said recording time and recording thereof." The Miike et al. columns 49-50 text pointed to within the Office Action, include a "starting time" and an "ending time" with are unrelated to a still picture group. More particularly, the Miike et al. columns 49-50 "starting time" and "ending time" appear to be user-selected (i.e., entered) times for setting a time period range to retrieve all documents having access information within such range. Thus the Miike et al. disclosure does not appear to be particularly relevant to Applicant's claimed invention.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection or '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such

'102 and '103 rejections, and express written allowance of all of the rejected claims, are respectfully requested. Further, at this point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next action final.

## EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

## RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

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## CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.37453CX3) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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